

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

NICHOLAS GLADU, et al., )  
Plaintiffs, )  
v. ) 1:20-cv-00449-JDL  
MAINE DEPARTMENT OF )  
CORRECTIONS, et al., )  
Defendants. )

## ORDER ON PLAINTIFF GLADU'S OBJECTION

Plaintiff Nicholas Gladu, who is incarcerated at the Maine State Prison and proceeding pro se, challenges the conditions of his confinement (ECF No. 68) under federal and state law. The Defendants are the Maine Department of Corrections; Wellpath, LLC, which provides health care services to prisoners; and individuals associated with these two entities. Gladu filed a Renewed Motion to Appoint Counsel (ECF No. 111) on December 13, 2021. Magistrate Judge John C. Nivison denied (ECF No. 113) that motion on December 15, 2021. I sustained (ECF No. 134) Gladu's objection (ECF No. 114) on February 10, 2022, because I could not discern the extent to which the denial of the motion rested on an evaluation of the specific grounds that Gladu had incorporated by reference to his prior Motion to Appoint Counsel (ECF No. 10). Judge Nivison then denied (ECF No. 137) Gladu's motion on February 17, 2022, concluding that, on the current record, the grounds asserted by Gladu do not warrant the appointment of counsel. Gladu filed an objection (ECF No. 144) on March 7, 2022.

Pursuant to Federal Rule of Civil Procedure 72(a), I “must consider timely objections and modify or set aside any part of [a non-dispositive] order that is clearly

erroneous or is contrary to law.” *See also* 28 U.S.C.A. § 636(b)(1)(A) (West 2022); *SurfCast, Inc. v. Microsoft Corp.*, No. 2:12-cv-00333, 2014 WL 1203244, at \*1 (D. Me. Mar. 24, 2014) (“When the Magistrate Judge issues an order on a non-dispositive matter, the Court reviews factual findings for clear error and legal findings de novo.”). Having reviewed Judge Nivison’s factual determinations for clear error and his legal determinations de novo, together with the entire record, I find no error in his factual and legal determinations.

Accordingly, Gladu’s Objection (ECF No. 144) is **DENIED**.

**SO ORDERED.**

**Dated: April 25, 2022**

/s/ JON D. LEVY  
**CHIEF U.S. DISTRICT JUDGE**